

DUNCAN MILLER

IBLA 76-178, 76-185, 76-186

Decided November 11, 1975

Appeals from decisions of the New Mexico State Office, Bureau of Land Management, rejecting oil and gas lease offers NM 23657, 23660, 23587.

Appeals dismissed.

1. Rules of Practice: Appeals: Statement of Reasons

A statement of reasons in support of an appeal which does not point out affirmatively in what respect the decision appealed from is in error, does not meet the requirements of the Department's rules of practice and may be dismissed.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

By separate decisions the New Mexico State Office, Bureau of Land Management (BLM), rejected over-the-counter oil and gas lease offers filed by Duncan Miller because the lands applied for were included in previously issued oil and gas leases. The separate appeals have been joined for decision purposes.

In each case Miller filed an identical "Notice of Appeal, with Reasons" the entire text of which stated as follows:

THE APPEALANT [sic] FIRST FILED for these oil and gas leases in the original drawing; subsequently, he filed the rejected lease offers based upon the initial filing.

It appears beyond any doubt that the conflicting offers for which leases were erroneously issued, were part of a dishonest, unlawful scheme.

Subsequently, appellant submitted "additional reasons for appeal" which continued his harangue against alleged mala fides in the present holders of record title to oil and gas leases embracing the lands described in the subject rejected offers. In addition, appellant "adopts the case record in CR 74-230, Federal District Court, Albuquerque, New Mexico," in support of his appeal.

[1] On a prior occasion the Board noted that Miller is experienced in oil and gas leasing and knows or should know by this time that lands in an outstanding lease, whether it be void, voidable, or valid, are not available for leasing. Duncan Miller, 15 IBLA 275 (1974). But Miller's appeals are not directed to the reason for rejection. Each appeal is but another repetition by appellant of imagined dishonesty in fancied malefactors. Such a statement does not meet the requirements of the rules of practice, 43 CFR 4.402, because it fails to point out affirmatively in what respect the decision appealed from is in error. Each of the appeals, therefore, is subject to dismissal for this reason alone. Duncan Miller, 20 IBLA 19 (1975).

We are unable to see any relevance of "CR 74-230" to this appeal. We are advised that this docket identification is assigned to litigation styled United States v. Thomas Allen et al., a matter involving several counts of mail fraud (18 U.S.C. § 1341 (1970)). If appellant has specific information which will support, prima facie, his charge of mala fides he should make it available to BLM, which then may give each present record title holder of the leases in question opportunity to avail itself of the benefits of the statute, 30 U.S.C. § 184(h) (1970).

Therefore, pursuant to the authority delegated by the Secretary of the Interior to the Board of Land Appeals, 43 CFR 4.1, the appeals listed above are dismissed.

Douglas E. Henriques
Administrative Judge

We concur:

Newton Frishberg
Chief Administrative Judge

Edward W. Stuebing
Administrative Judge

